

AMENDED IN SENATE APRIL 2, 2014

**SENATE BILL**

**No. 1015**

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**Introduced by Senator Galgiani**

February 13, 2014

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~~An act to amend Section 131000 of the Health and Safety Code, relating to public health. An act to amend and repeal Section 2690 of the Penal Code, relating to inmates, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1015, as amended, Galgiani. ~~State Department of Public Health. Inmates.~~

*Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to authorize the temporary removal of any inmate from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections and Rehabilitation, including removal for the purpose of attending college classes or permitting the inmate to participate in or assist with the gathering of evidence relating to crimes. Existing law also authorizes the secretary to require, except when the removal is for medical treatment or to assist with the gathering of evidence related to crimes, the inmate to reimburse the state, in whole or in part, for expenses incurred by the state in connection with the temporary removal. Existing law makes the provisions that specifically refer to removal for the purpose of permitting the inmate to participate in or assist with the gathering of evidence relating to crimes operative only until January 1, 2015.*

*This bill would make those provisions operative indefinitely.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

Existing law establishes the State Department of Public Health in the California Health and Human Services Agency.

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 2690 of the Penal Code, as amended by*  
2     *Section 1 of Chapter 181 of the Statutes of 2013, is amended to*  
3     *read:*

4     2690. ~~(a)~~The Secretary of the Department of Corrections and  
5     Rehabilitation may authorize the temporary removal of any inmate  
6     from prison or any other institution for the detention of adults  
7     under the jurisdiction of the Department of Corrections and  
8     Rehabilitation, including removal for the purpose of attending  
9     college classes or permitting the inmate to participate in or assist  
10    with the gathering of evidence relating to crimes. The secretary  
11    may require that the temporary removal be under custody. Unless  
12    the inmate is removed for medical treatment, the removal shall not  
13    be for a period longer than three days. The secretary may require,  
14    except when the removal is for medical treatment or to assist with  
15    the gathering of evidence related to crimes, the inmate to reimburse  
16    the state, in whole or in part, for expenses incurred by the state in  
17    connection with the temporary removal.

18    ~~(b) This section shall be repealed on January 1, 2015.~~

19    *SEC. 2. Section 2690 of the Penal Code, as added by Section*  
20    *2 of Chapter 181 of the Statutes of 2013, is repealed.*

21    ~~2690. (a) The Secretary of the Department of Corrections and~~  
22    ~~Rehabilitation may authorize the temporary removal of any inmate~~  
23    ~~from prison or any other institution for the detention of adults~~  
24    ~~under the jurisdiction of the Department of Corrections and~~  
25    ~~Rehabilitation, including removal for the purpose of attending~~  
26    ~~college classes. The secretary may require that the temporary~~  
27    ~~removal be under custody. Unless the inmate is removed for~~  
28    ~~medical treatment, the removal shall not be for a period longer~~  
29    ~~than three days. The secretary may require the inmate to reimburse~~

1 the state, in whole or in part, for expenses incurred by the state in  
2 connection with the temporary removal other than for medical  
3 treatment.

4 ~~(b) This section shall become operative on January 1, 2015.~~

5 *SEC. 3. This act is an urgency statute necessary for the*  
6 *immediate preservation of the public peace, health, or safety within*  
7 *the meaning of Article IV of the Constitution and shall go into*  
8 *immediate effect. The facts constituting the necessity are:*

9 *In order to enable law enforcement agencies to obtain important*  
10 *evidence regarding serious crimes, including murder and*  
11 *kidnapping, from inmates as soon as possible, it is necessary that*  
12 *this act take effect immediately.*

13 ~~SECTION 1. Section 131000 of the Health and Safety Code~~  
14 ~~is amended to read:~~

15 ~~131000. There is in the California Health and Human Services~~  
16 ~~Agency the State Department of Public Health.~~